

1 ROBERT W. FERGUSON  
Attorney General  
2 NOAH GUZZO PURCELL, WSBA #43492  
Solicitor General  
3 KRISTIN BENESKI, WSBA #45478  
First Assistant Attorney General  
4 COLLEEN M. MELODY, WSBA #42275  
Civil Rights Division Chief  
5 ANDREW R.W. HUGHES, WSBA #49515  
LAURYN K. FRAAS, WSBA #53238  
6 Assistant Attorneys General  
TERA M. HEINTZ, WSBA #54921  
7 (application for admission forthcoming)  
Deputy Solicitor General  
8 800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
9 (206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**

12 STATE OF WASHINGTON, et al.,

13 Plaintiffs,

14 v.

15 UNITED STATES FOOD AND  
DRUG ADMINISTRATION, et al.,

16 Defendants.

NO. 1:23-cv-03026-TOR

CERTIFICATE OF SERVICE

17  
18 I, Jessica Buswell, declare under penalty of perjury under the laws of the  
19 State of Washington and the United States of America that I am a resident of the  
20 State of Washington, over the age of eighteen years, not a party to the  
21 above-entitled action, and am competent to be a witness herein.  
22

1 On February 23rd, 2023, I served copies of the following documents:

- 2 1. Complaint, with Exhibits A–S (ECF Nos. 1–1-20);  
3 2. Summonses (ECF Nos. 1-21–1-24); and  
4 3. Civil Cover Sheet (ECF No. 1-25)

5 upon Defendants United States Food and Drug Administration and Robert M.  
6 Califf, in his official capacity as Commissioner of Food and Drugs, via email  
7 service, addressed as follows:

8 OC-OCC-FDA-Litigation-Mailbox@fda.hhs.gov

9 On February 23rd, 2023, I caused copies of the following documents:

- 10 1. Complaint, with Exhibits A–S (ECF Nos. 1–1-20);  
11 2. Summonses (ECF Nos. 1-21–1-24); and  
12 3. Civil Cover Sheet (ECF No. 1-25)

13 to be served upon Defendants United States Department of Health and Human  
14 Services and Xavier Becerra, in his official capacity as Secretary of the  
15 Department of Health and Human Services, via certified mail, addressed as  
16 follows:

17 Department of Health & Human Services  
18 c/o General Counsel  
19 200 Independence Avenue, S.W.  
20 Washington, D.C. 20201

21 Xavier Becerra, Secretary  
22 c/o General Counsel  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

1 On February 24th, 2023, I served copies of the following documents:

- 2 1. Plaintiff States' Motion to Exceed Page Limits for Motion for  
3 Preliminary Injunction, with Proposed Order (ECF Nos. 2–2-1);  
4 2. Plaintiff States' Motion for Preliminary Injunction, with Proposed  
5 Order (ECF Nos. 3–3-1);  
6 3. Declarations in Support of Plaintiff States' Motion for Preliminary  
7 Injunction (ECF Nos. 4–4-1); and  
8 4. Notice of Re-Noting Motion (ECF No. 8)

9 upon Defendants United States Food and Drug Administration and Robert M.  
10 Califf, in his official capacity as Commissioner of Food and Drugs, via email  
11 service, addressed as follows:

12 OC-OCC-FDA-Litigation-Mailbox@fda.hhs.gov

13 On February 24th, 2023, I served copies of the following documents:

- 14 1. Complaint, with Exhibits A–S (ECF Nos. 1–1-20);  
15 2. Summonses (ECF Nos. 1-21–1-24);  
16 3. Civil Cover Sheet (ECF No. 1-25);  
17 4. Plaintiff States' Motion to Exceed Page Limits for Motion for  
18 Preliminary Injunction, with Proposed Order (ECF Nos. 2–2-1);  
19 5. Plaintiff States' Motion for Preliminary Injunction, with Proposed  
20 Order (ECF Nos. 3–3-1);  
21 6. Declarations in Support of Plaintiff States' Motion for Preliminary  
22 Injunction (ECF Nos. 4–4-1);  
7. Issued Summonses (ECF Nos. 6–6-3); and  
8. Notice of Re-Noting Motion (ECF No. 8)

1 upon Defendants United States Food and Drug Administration and Robert M.  
2 Califf, in his official capacity as Commissioner of Food and Drugs, via certified  
3 mail, addressed as follows:

4 United States Food and Drug Administration  
5 Chief Counsel, Food and Drug Administration  
6 ATTENTION: LITIGATION  
7 White Oak Building 31, Room 4544  
8 10903 New Hampshire Ave.  
9 Silver Spring, MD 20993-0002

10 Robert M. Califf, Commissioner  
11 Chief Counsel, Food and Drug Administration  
12 ATTENTION: LITIGATION  
13 White Oak Building 31, Room 4544  
14 10903 New Hampshire Ave.  
15 Silver Spring, MD 20993-0002

16 On February 24th, 2023, I served copies of the following documents:

- 17 1. Plaintiff States' Motion to Exceed Page Limits for Motion for  
18 Preliminary Injunction, with Proposed Order (ECF Nos. 2–2-1);
- 19 2. Plaintiff States' Motion for Preliminary Injunction, with Proposed  
20 Order (ECF Nos. 3–3-1);
- 21 3. Declarations in Support of Plaintiff States' Motion for Preliminary  
22 Injunction (ECF Nos. 4–4-1);
4. Issued Summonses (ECF Nos. 6–6-3); and
5. Notice of Re-Noting Motion (ECF No. 8)

upon Defendants United States Department of Health and Human Services and  
Xavier Becerra, in his official capacity as Secretary of the Department of Health  
and Human Services, via certified mail, addressed as follows:

1 Department of Health & Human Services  
2 c/o General Counsel  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

3 Xavier Becerra, Secretary  
4 c/o General Counsel  
Department of Health and Human Services  
5 200 Independence Avenue, S.W.  
Washington, D.C. 20201

6 On February 24th, 2023, I served copies of the following documents:

- 7 1. Issued Summonses (ECF Nos. 6–6-3); and  
8 2. Notice of Re-Noting Motion (ECF No. 8)

9 upon Defendants, via certified mail, addressed as follows:

10 U.S. Attorney Vanessa R. Waldref  
11 United States Attorney's Office  
Eastern District of Washington  
12 920 W. Riverside Avenue, Suite 340  
Spokane, WA 99201

13 I declare under penalty of perjury under the laws of the State of  
14 Washington and the United States of America that the foregoing is true and  
15 correct.

16 DATED this 24th day of February 2023.

17 ROBERT W. FERGUSON  
18 Attorney General

19 /s/ Jessica Buswell  
20 JESSICA BUSWELL  
Legal Assistant